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BEFORE THE

ILLINOIS COMMERCE COMMISSION

PERRY COUNTY EMERGENCY	)	DOCKET NO.
TELEPHONE SYSTEM BOARD	)	14-0440
	)	
Petition to modify 9-1-1	)	
Provider for Perry County	)	
Emergency Telephone System	)	
Board.	)	

Springfield, Illinois  
Wednesday, July 22, 2014

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

MR. JOHN D. ALBERS, Administrative Law Judge

MIDWEST LITIGATION SERVICES, by  
Rhonda Rhodes Bentley, CSR, CCR, RPR  
License No. 084-002706

1 APPEARANCES:

2 JOHN R. CLEMONS  
3 Southern Illinois Law Center  
4 813 W. Main Street  
5 Carbondale, Illinois 62901

6 (Appearing via teleconference on behalf  
7 of Perry County ETSB)

8 MATTHEW L. HARVEY  
9 Office of General Counsel  
10 Illinois Commerce Commission  
11 160 North LaSalle Street, Suite C-800  
12 Chicago, Illinois 60601

13 (Appearing via teleconference on  
14 behalf of Staff of the Illinois  
15 Commerce Commission)

16 RICHARD W. HIRD  
17 Petefish Immel Heeb & Hird, LLP  
18 842 Louisiana St.  
19 Lawrence, Kansas 66044

20 (Appearing via teleconference on behalf  
21 of NG-911, Inc.)

22 JOHN H. KELLY  
23 Ottosen Britz Kelly Cooper Gilbert &  
24 DiNolfo, Ltd.  
1804 N. Naper Boulevard, Suite 350  
Naperville, Illinois 60563

(Appearing via teleconference on behalf  
of NG-911, Inc.)

21 MARK ORTLIEB  
22 Illinois Bell Telephone Company  
23 225 W. Randolph Street, Suite 2500  
24 Chicago, Illinois 60606

(Appearing via teleconference on behalf  
of AT&T Illinois and AT&T Mobility)

1		I N D E X	
2	WITNESSES		PAGE
3	(None)		
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6	EXHIBITS	IDENTIFIED	ADMITTED
7	(None)		
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1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in  
3 me by the Illinois Commerce Commission, I now call  
4 docket number 14-0440. This docket was initiated by  
5 Perry County Emergency Telephone System Board which  
6 seeks to modify its 9-1-1 Provider plan.

7 May I have the appearances for the  
8 record, please.

9 MR. CLEMONS: John R. Clemons, attorney,  
10 Carbondale, Illinois, 813 West Main Street, and I'm  
11 appearing for the Petitioner Perry County Emergency  
12 Telephone System Board.

13 MR. HARVEY: I guess I'll go now.  
14 Appearing for the Staff of the Illinois Commerce  
15 Commission, Matthew L. Harvey, 160 North LaSalle  
16 Street, Suite C-800, Chicago, Illinois 60601.

17 MR. HIRD: Your Honor, Richard W. Hird,  
18 H-i-r-d, 842 Louisiana, Lawrence, Kansas 66044,  
19 appearing for Intervenor NG-911, Inc.

20 MR. KELLY: This is John Kelly, 1804 North  
21 Naper Boulevard, Naperville, Illinois 60563, also  
22 appearing on behalf of NG-911.

23 MR. ORTLIEB: This is Mark Ortlieb,  
24 O-r-t-l-i-e-b. I'm appearing on behalf of AT&T

1 Illinois and AT&T Mobility. My address is 225 West  
2 Randolph Street, Suite 2500, Chicago, Illinois 60606.

3 JUDGE ALBERS: Are there any others wishing  
4 to enter an appearance?

5 (No response.)

6 JUDGE ALBERS: Let the record show no  
7 response.

8 As far as preliminary matters, I  
9 have a few of my own first. We have the two petitions  
10 to intervene that we received on July 8th, one from  
11 NG-911 and one from Illinois Bell Telephone Company,  
12 d/b/a AT&T Illinois and New Cingular Wireless PCS,  
13 LLC. Any objections to either of those?

14 MR. CLEMONS: None by the Petitioner, your  
15 Honor.

16 JUDGE ALBERS: Thank you. That was Mr.  
17 Clemons. I'll ask anybody when they speak, to state  
18 their name first for the court reporter's benefit.

19 MR. CLEMONS: Let me repeat that. John  
20 Clemons on behalf of the Petitioner. No objection.

21 JUDGE ALBERS: All right. Thank you. If  
22 there are no other objections, then both of those  
23 petitions to intervene are granted today.

24 Also, just want to acknowledge my

1 receipt of Mr. Hird's Rule 707 statement on July 8th.  
2 With regard to the June 26th petition for proprietary  
3 treatment and the July 14th memorandum concerning the  
4 length of the proprietary treatment, does anyone care  
5 to file a response to those filings?

6 (No response.)

7 JUDGE ALBERS: I'll take that as a no. All  
8 right. That's fine. I think I am comfortable then  
9 with the reasons given for the longer duration of  
10 proprietary treatment, and I'll address that in the  
11 final order.

12 Moving along, is there any objection  
13 to the adoption of the terms governing protection of  
14 confidential treatment that would be substantively  
15 identical to those adopted in docket number 13-0669?

16 (No response.)

17 JUDGE ALBERS: And again I'll take the  
18 silence as there being no objection. So I'll send out  
19 a ruling adopting those terms as well in this docket.

20 Does anybody else have any other  
21 preliminary matters they wanted to raise?

22 (No response.)

23 JUDGE ALBERS: All right. Well, hearing  
24 none, we'll move on to scheduling. So we did get some

1 direct from Perry County ETSB. I imagine NG-911 would  
2 want to file some direct testimony. So has there been  
3 any discussion as to when that might come in?

4 MR. HIRD: We can have -- Your Honor, this  
5 is Richard Hird. We could have that on file by  
6 Friday.

7 JUDGE ALBERS: Okay. That's fine. That  
8 will be the 25th. And as far as a date then for any  
9 Staff and Intervenor direct testimony, has there been  
10 any thought on that?

11 We can go off the record since Marci  
12 Elliott is in the room here, Mr. Harvey.

13 MR. HARVEY: We discussed it briefly.  
14 Staff feels we could probably get testimony on file in  
15 28 days.

16 JUDGE ALBERS: 28 days you said?

17 MR. HARVEY: Yes.

18 JUDGE ALBERS: AT&T, Mr. Ortlieb, did you  
19 have any --

20 MR. ORTLIEB: That's fine with us, your  
21 Honor.

22 JUDGE ALBERS: Let's see. That gets us to  
23 about -- that will be about August 22nd. Any  
24 objection to that date from Perry County or NG-911?

1                   MR. CLEMONS: John Clemons for Perry  
2 County. No objection.

3                   MR. HIRD: Rick Hird for NG-911, Inc. We,  
4 of course, would like to move this along as quickly as  
5 possible, but if that's what Staff needs, then we have  
6 no objection.

7                   JUDGE ALBERS: Okay. Thank you. Not  
8 knowing what Staff or, for that matter, AT&T may say  
9 in their testimony, do you want to try and set a date  
10 for Perry County and NG-911 rebuttal, or do you want  
11 to try to do a status hearing after that?

12                  MR. HIRD: This is Rick Hird again. I  
13 would like to set dates for everything if we could.

14                  MR. CLEMONS: John Clemons. I would agree,  
15 your Honor.

16                  JUDGE ALBERS: Okay.

17                  MR. CLEMONS: We're anxious to get rolling.

18                  JUDGE ALBERS: Okay. Well, if you have any  
19 rebuttal, then how much time would you like to provide  
20 that?

21                  MR. CLEMONS: I would think just one week  
22 would be the maximum.

23                  MR. HIRD: That's fine. This is Rick Hird  
24 again. That's fine.



1 JUDGE ALBERS: Okay. That will be August  
2 29th. Do you want to try to go straight to an  
3 evidentiary hearing then? Is there any objection to  
4 doing that, or do you think we'd need more testimony?

5 MR. HIRD: This is Rick Hird. I think we  
6 could go ahead and set an evidentiary hearing date.

7 MR. CLEMONS: John Clemons for Petitioner.  
8 I would agree.

9 MR. ORTLIEB: AT&T has no objection to  
10 that.

11 JUDGE ALBERS: The earlier, the better in  
12 September for me. So why don't we just go off the  
13 record for a minute and look at our calendars.

14 (Whereupon a discussion was held off  
15 the record.)

16 JUDGE ALBERS: Looks like we can all attend  
17 an evidentiary hearing on September 3rd at 9 a.m., and  
18 I suspect if we have a need for briefs or anything  
19 further, we can set dates for that then. At this  
20 point I'm not even sure there's going to be any  
21 contested issues. So anything else for the record  
22 today?

23 MR. CLEMONS: Petitioner has nothing  
24 further, your Honor.

1                   MR. ORTLIEB: This is Mark Ortlieb. I'm  
2 really sorry to do this, but I -- I was a little bit  
3 behind you checking dates. The 3rd does not work for  
4 me. Is there any chance we could do that the  
5 following week? Like the 10th?

6                   MR. CLEMONS: John Clemons, Petitioner.  
7 Any time that week would be fine with me. Monday,  
8 Tuesday, Wednesday.

9                   MR. HIRD: This is Rick Hird for NG-911,  
10 Inc. I've got an issue with pushing this back. This  
11 is the -- the same issues, the same sort of plan that  
12 we've had three runs at, and chances are this is going  
13 to get submitted without -- by affidavit.

14                  MR. HARVEY: Well, I don't think we can  
15 assume that. This is Matt Harvey from the Staff. I  
16 have no objection to moving it back to the 10th.

17                  MR. HIRD: All right.

18                  JUDGE ALBERS: Well, how about the 9th?

19                  MR. HARVEY: I have a conflict on the 9th,  
20 your Honor. This is Matt Harvey from Staff.

21                  MR. CLEMONS: John Clemons. Would the 8th  
22 be acceptable?

23                  MR. HARVEY: I don't see anything that  
24 prevents Staff from the 8th.

1                   MR. HIRD: This is --

2                   MR. CLEMONS: How about Mr. Ortlieb, do you

3 have a conflict that --

4                   MR. ORTLIEB: That Monday is a problem for

5 me.

6                   JUDGE ALBERS: Let's go off the record

7 again.

8                               (Whereupon a discussion was held off

9                               the record.)

10                  JUDGE ALBERS: Back on the record. We've

11 revised our hearing date to September 10th at 9 a.m.

12                               Is there anything else then for the

13 record today?

14                  MR. CLEMONS: John Clemons, nothing from

15 the Petitioner, your Honor.

16                  JUDGE ALBERS: Okay. Well, if there's

17 nothing further, then we will continue this to

18 September 10th at 9 a.m. for the evidentiary hearing.

19 So thank you, everyone.

20                  MR. HIRD: Thank you, your Honor.

21                  MR. CLEMONS: Thank you.

22                  MR. ORTLIEB: Thank you, your Honor.

23                               (Whereupon the matter was continued

24                               to September 10, 2014, at 9 a.m.)

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CERTIFICATE OF REPORTER

I, Rhonda Rhodes Bentley, CSR, RPR,  
a Certified Shorthand Reporter, Registered  
Professional Reporter, within and for the State of  
Illinois, do hereby certify that the hearing  
aforementioned was held on the time and in the place  
previously described.

---

Certified Shorthand Reporter  
CSR #084-002706